

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 19-182 (Grand Jury#)
	:	
v.	:	DATE FILED: (unknown, April 15, 2019?)
	:	
DOROTHY RECARDE	:	VIOLATIONS: (Alleged)
	:	18 U.S.C. § 1521 (retaliatory lien – 1 count)
	:	26 U.S.C. § 7212 (corruptly endeavoring to
JURY TRIAL DEMANDED	:	obstruct or impede the due administration of
	:	the Internal Revenue Service)

MOTION TO DISMISS IMPROPER INDICTMENT WITH PREJUDICE

MOTION FOR RULE 11 SANCTIONS ON GOVERNMENT EMPLOYEES

~~THE GRAND JURY MAY HAVE MADE CHARGES, form received creates great doubt.~~

1. U.S. Attorney letter dated April 15, 2019 was a cover for a dubious **unsigned**, un-dated, un-numbered “INDICTMENT GENERAL ALLEGATIONS” document, “Filed Under Seal”.

2. U.S. Court information system, PACER, as of 19:43 Saturday, April 27, 2019, has NO RECORD of case 19-182, or any case, against Defendant Dorothy Recarde, by the USA, IRS, or by anyone. That raises questions of “Proper Service” in relation to FRCP Rule 5 d. Filing.

3. U.S. Federal Rules of Civil Procedure Rule 5, as amended effective December 1, 2018, Rule 5. Serving and Filing Pleadings and Other Papers, (d) Filing.

(1) Required Filings; Certificate of Service

(A) Papers after the complaint. Any paper after the complaint that is required to be served must be filed no later than a reasonable time after service.

Twelve days is “later than a reasonable time after service” and the intimidating service by ARMED POLICEMEN, NOT U.S. Marshals or Deputy Marshals, or other person identified by Order of the Court in accordance with FRCP, were – due to fear created – a threat to stroke or heart attack for 67-year-old Defendant or her husband, even weeks later, disturbing their peace.

4. United States Attorney William M. McSwain, or his Assistant United States Attorney, Yvonne O. Osirim, are in VIOLATION of FRCP Rule 11. Signing Pleadings, Motions and Other Papers, Representations to the Court; Sanctions

(a) Signature. Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name...

There is not a "wet ink" signature on either the factually inaccurate Cover Letter or the dubious Indictment. There is a "script" type font "signature" by Yvonne O. Osirim on the cover letter.

5. As presented by the Office of the U.S. Attorney, the INDICTMENT appears to be a fraudulent document designed to frighten and intimidate the Defendant. Further, there is NO SIGNATURE by the U.S. Attorney or Assistant, only an ILLEGIBLE "initial" with note "for". This is a "sham" signature, non-compliant with rules.

6. The Oath of a Witness is to "tell the truth, the whole truth, and nothing but the truth, so help me God." INDICTMENT paragraph 6 states, "IRS revenue officer Z.M. known to the grand jury, on behalf of the IRS...". By careful reading of this Indictment, it appears that IRS revenue officer Z.M. has TAMPERED WITH THE GRAND JURY, by NOT telling "the whole truth" regarding his actions, motivations, or biases in first filing levies against the Defendant, and deceiving the U.S. Attorney in his retaliation on the Defendant, a business woman of a niche construction company who was familiar with a business legal document, a Lien, properly filed in the Court so to hold accountable a Party (IRS employee Z.M.) who defrauded her company. Defendant has in MANY correspondences requested IRS documents to verify the origin of tax Claims. The Supporting Documents of Defendant's Lien of March 31, 2014 track the matter.

7. Such requests of IRS have been ignored without explanation.

8. Defendants' specialty construction company nearly failed in 2009, employees were released, and since 2013, no federal taxes have been withheld as officers work without pay.


9. Far more disconcerting is the TOTAL ABSENCE of a signature by the GRAND JURY FOREMAN, or certification to be a TRUE BILL. This dubious INDICTMENT should be declared by this Court to be *Void Ab Initio*. Due to the malice of government employee Z.M. in testimony to the Citizens of the Grand Jury, this INDICTMENT, with its related fact set, should be Dismissed, with Prejudice.

10. 18 U.S. Code § 1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title, has a KEY set of words that DO NOT APPLY this law to the Defendant - "false", as in "any false lien or encumbrance against the real or personal property of an individual" and "knowing" as in "knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation". Defendant outlined events truthfully. A lien is like a judge's Contempt of Court Order, IRS employee ZM by his HONEST non-malicious actions could easily remove the lien. Officers of a Pennsylvania Court accepted the documents of the Defendant as reasonable and so filed the LIEN with that state Court.

11. Rule 11 Sanctions are a multiple-step process of notice, correction time and more, but let this Motion mark first NOTICE in the Sanctions process, against lawyer(s) in the Office of the U.S. Attorney, and the "government witness" IRS employee, Z.M. who tampered with the Grand Jury, if the case continues rather than properly be dismissed as Defendant here moves the Court.

12. If the case continues, there is so much question about the so-called "facts" of the malicious IRS employee Z.M., carelessly accepted by government attorneys without due diligence verification if true or false, yet then irresponsibly repeated in Court documents by attorney employees of the Office of the U.S. Attorney, that a Trial by Jury of her peers is absolutely necessary, and so demanded by the Defendant.

Date: 04-29-2019


DOROTHY A. RECARDE, Defendant
277 W. Shady Road
Kirkwood, PA 17536
(717) 529-6063
dotti@summerbeam.com